

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

CHRISTOPHER J. CUMMINS, M.D.

PLAINTIFF

v.

1:22-cv-1237

CORECIVIC OF TENNESSEE, LLC,
CORRECTIONAL MEDICINE ASSOCIATES, PC

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

Christopher J. Cummins, M.D. (“Dr. Cummins”) files this complaint against CoreCivic of Tennessee, LLC and Correctional Medicine Associates, PC. Dr. Cummins seeks relief under 42 U.S.C. § 1983, 42 U.S.C. § 1981, Title VII of the Civil Rights Act, and the Americans with Disabilities Act, as amended. Dr. Cummins has received his right-to-sue letter, and it is attached as Exhibit 1 to this Complaint.

PARTIES

1. Dr. Cummins is a resident citizen of Oxford, Mississippi.
2. CoreCivic of Tennessee, LLC (“CoreCivic”) is a subsidiary of CoreCivic, Inc., which is a private owner and operator of prisons and detention centers around the country. Among other institutions, CoreCivic manages the Tennessee Department of Correction facilities in Whiteville, Tennessee, known as Whiteville Correctional Facility (“Whiteville Correctional”) and Hardeman County Correctional Facility (“Hardeman Correctional”).
3. Correctional Medicine Associates, PC (“Correctional Medicine Associates”) operates exclusively in facilities operated by CoreCivic (or under the umbrella of CoreCivic, Inc.). Upon information and belief, Correctional Medicine Associates was the entity that hired Dr. Cummins, though both CoreCivic and Correctional Medicine

Associates operate under the CoreCivic umbrella and were considered Dr. Cummins' employers.

4. As a private operator of public prisons, CoreCivic and Correctional Medicine Associates are considered political subdivisions for purposes of 42 U.S.C. § 1983.

BACKGROUND AND FACTS

5. Dr. Cummins is a white 48-year old war veteran and general practice physician. Dr. Cummins is disabled within the meaning of the ADA. He has tears in both shoulders, tinnitus, post-traumatic stress disorder, significant knee and back pain, and he is a participant in the VA's burn pit registry.

6. Dr. Cummins completed his undergraduate degree at Delta State University; obtained his M.D. at the University of Mississippi; and completed his residency at East Tennessee State University.

7. On November 20, 2020, CoreCivic hired Dr. Cummins to serve as the medical director at Whiteville Correctional and Hardeman Correctional. Dr. Cummins moved away from his residence in Oxford to take the job.

8. During his employment, Dr. Cummins asked his office manager for accommodations for his disabilities, including ergonomic chairs to reduce musculoskeletal pain and more space to alleviate claustrophobia. These accommodation requests were denied.

9. In February 2021, Dr. Cummins was suspended with pay pending an investigation into his conduct. At the time, Dr. Cummins was utterly confused about why he was suspended.

10. An investigator (black) approached Dr. Cummins and asked whether he had said anything offensive to nurse practitioner Herron. Dr. Cummins was unaware of anything he said that may have offended Herron; so he responded no.

11. During the investigation, the investigator asked Dr. Cummins if he insulted Herron by calling her Harriett Tubman. Again, Dr. Cummins responded that he had not, and he could not imagine why he was asked this question.

12. As Dr. Cummins' leave extended for a protracted time, he continued to consider what may have prompted the investigation or the question about Harriett Tubman.

13. One night while sitting in bed, Dr. Cummins recalled a conversation he did have with Herron before his suspension. In the course of treating her patient, Herron needed to contact an out-of-facility medical provider and asked Dr. Cummins to make the call for her. Dr. Cummins instructed Herron that, since it was her patient, it was her responsibility to make the call.

14. In giving this instruction, he said "As Harry Truman said, the 'buck stops here.'" See <https://www.trumanlibrary.gov/photograph-records/64-1563>.

15. The day after Dr. Cummins recalled this conversation, he called the investigator to report his recollection.

16. The investigator let Dr. Cummins know that the investigation had been closed, but then was reopened because another witness had come forward accusing Dr. Cummins of coming back into the room singing "Harriett Tubman, Harriett Tubman" and dancing. Nothing, of course, could be further from the truth.

17. Dr. Cummins was terminated for allegedly inappropriate conduct on April 16, 2021.

18. Dr. Cummins brings the following claims for relief.

COUNT 1
DISCRIMINATION
FAILURE TO MAKE REASONABLE ACCOMODATIONS

19. Dr. Cummins is a “qualified individual with a disability” under the meaning of 42 U.S.C. § 12111(8).

20. During his employment, Dr. Cummins requested additional space to work and an ergonomic chair to assist with his musculoskeletal disabilities. CoreCivic and Correctional Medicine Associates failed to provide these accommodations.

21. Providing these accommodations would have been relatively inexpensive and would not have imposed an undue hardship on the CoreCivic and Correctional Medicine Associates.

22. In these ways, CoreCivic and Correctional Medicine Associates have violated the anti-discrimination and reasonable-accommodation provisions of 42 U.S.C. § 12112.

COUNT 2
RACE DISCRIMINATION
ADVERSE EMPLOYMENT DECISIONS

23. Because of his race and color, Dr. Cummins has been subject to adverse employment actions, including but not limited to:

- a. Suspension from employment during an unmerited and unnecessary investigation; and
- b. termination;

24. These adverse decisions were taken because Dr. Cummins is white.

25. Alternatively, Dr. Cummins’ race was at least a motivating factor in these adverse decisions.

26. In these ways, CoreCivic and Correctional Medicine Associates have violated the anti-discrimination provisions of Title VII and 42 U.S.C. § 1981.

COUNT 3
DISABILITY DISCRIMINATION
ADVERSE EMPLOYMENT DECISIONS

27. Because of his disability, Dr. Cummins has been subject to adverse employment actions, including but not limited to:

- a. Suspension from employment during an unmerited and unnecessary investigation; and
- b. termination;

28. These adverse decisions were taken because of Dr. Cummins' disability.

29. Alternatively, Dr. Cummins' disability was at least a motivating factor in these adverse decisions.

30. In these ways, CoreCivic and Correctional Medicine Associates have violated the anti-discrimination provisions of 42 U.S.C. § 12112.

COUNT 4
RETALIATION

31. Dr. Cummins has engaged in several activities protected by the ADA, including her requests additional space and ergonomic chairs.

32. Because he has engaged in these protected activities, Dr. Cummins has been subject to adverse employment actions, including but not limited to:

- a. Suspension from employment during an unmerited and unnecessary investigation; and
- b. Termination.

33. These adverse decisions were taken because of Dr. Cummins' protected activities.

34. In these ways CoreCivic and Correctional Medicine Associates have violated the anti-retaliation provisions of 42 U.S.C. § 12203.

RELIEF

To remedy the violations identified in this complaint, Dr. Cummins requests:

- i. back pay
- ii. lost benefits
- iii. potential income differential
- iv. costs associated with employment search
- v. front pay
- vi. lost benefits
- vii. compensatory damages for emotional distress, any medical expenses, pain and suffering, and any other non-income related injuries
- viii. punitive damages
- ix. attorneys' fees
- x. expenses
- xi. costs
- xii. any other legal or equitable relief that may be appropriate

Respectfully submitted, this the 31st day of October, 2022

CHRISTOPHER J. CUMMINS, M.D.

/s/ Grafton E. Bragg

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